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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,838	09/22/2003	Jung-Seon Park	084017.22221	1024
26530	7590	08/08/2006		EXAMINER
LADAS & PARRY LLP 224 SOUTH MICHIGAN AVENUE SUITE 1600 CHICAGO, IL 60604			GUIDOTTI, LAURA COLE	
			ART UNIT	PAPER NUMBER
			1744	

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/667,838	PARK ET AL.	
	Examiner	Art Unit	
	Laura C. Guidotti	1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 16 May 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) 11-13 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 22 September 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>1203, 0904, 0505</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Oath/Declaration

1. Applicant has not given a post office address anywhere in the application papers as required by 37 CFR 1.33(a), which was in effect at the time of filing of the oath or declaration. A statement over applicant's signature providing a complete post office address is required.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "211" has been used to designate both "a receiving groove" (Page 11 Line 15) and "brush frame" (Page 11 Line 16). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "311a" (Page 13 Line 11). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the

application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claim 4 is objected to because of the following informalities:

Claim 4 Line 1, it appears that there is a typographical error and the word "sating" should be "seating".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 7-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In each of Claims 7-8 the limitation "the multiple fixing grooves" is recited in Line

1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al., US 4,446,594 in view of Harsh, US 6,363,573.

Watanabe et al. disclose the claimed invention including a suction brush body (1), a height adjusting knob (10) rotatably disposed at a seating portion formed in the suction brush body (14; Column 3 Lines 19-21), and having a cam curve portion formed at a part of an end of the height adjusting knob (end at 15, see Figure 6), the cam curve portion having a height difference between a starting point and an end point thereof (see Figure 6, X, Y, and Z; at the lowermost portion of the cam curve is when the nozzle is at its lowest height and the uppermost portion of the cam curve is when the nozzle is

at its highest point; Column 3 Lines 23-27, Column 4 Lines 33-49) and a plurality of recessed planes formed between the starting point and the end point (X, Y, Z; see Figure 6), a height adjusting shaft (17-2) integrally formed with a rod member (17-1, 17-3; Column 3 Lines 33-41) which is connected with the cam curve portion and lifted up and down according to a rotational direction of the height adjusting knob (Column 3 Lines 37-39), and a brush front wheel (18) rotatably coupled to the height adjusting shaft (via 17-3; Column 3 Lines 39-41, Figure 3). Regarding claim 2, Watanabe et al. discloses that the suction brush body comprises a brush frame (2) which has a suction portion at a lower surface thereof (3) and in which the height adjusting shaft (17) is disposed (Figure 8 displays that the shaft 17 is disposed in the brush frame), and a brush cover (unlabeled, upper plate of 1, has reference numeral 1 as shown in Figure 3). Regarding claim 3, the seating portion comprises a seating member disposed at the brush frame (14, 22) and a seating hole formed through the brush cover (unlabeled, shown in Figure 9). Regarding claim 4, the seating member is partially cut away to form a space portion (see Figure 6, the space is the slot is the opening of the C-shaped portion of 14). Regarding claim 5, the height adjusting knob comprises a cylindrical knob body (see 10, 15 in Figure 6), a handle portion formed at an upper surface of the knob body (unlabeled, top portion of 10, best shown in Figure 9), a flange portion protruded along an outer circumferential surface of the knob body (unlabeled, best shown in Figure 6), a fixing protrusion (see lowermost portion of 10 as shown in Figure 6 that includes three slots, a fixing protrusion is considered to be one of the protrusions between the slots) seated in a fixing groove formed at an inner surface of the seating

member (the fixing groove is considered to be the C-shaped opening in the portion of 14, best shown in Figure 6), and a cam planar portion (lower surface of 15). Regarding claim 6, the fixing protrusion is protruded at a lower surface of the flange portion (as shown in Figure 6), and a surface of the fixing protrusion contacted with the fixing groove is rounded (in that the protrusions between the slots have a rounded periphery). Regarding claim 9, the height adjusting knob (10) is rotatably coupled to a shaft receiving groove formed in a bottom surface of the brush frame (the shaft receiving groove is unlabeled, shown in Figure 8 where 17 is received, it is rotatably coupled via 14, Column 3 Lines 19-21). Watanabe et al. does not disclose a plurality of recessed grooves formed between the starting point and end point of the cam curve portion.

Harsh teaches a height adjustment mechanism for a suction brush body (22) that has a height adjusting knob (144) disposed at a seating portion formed in the suction brush body (28 and/or 146; Column 4 Lines 60-65), having a cam curve portion (92) formed at a part of an end of the height adjusting knob inserted into the suction brush body (80; Figures 9-10), the cam curve portion having a height difference between a starting point and an end point thereof (starting and ending points are 114 and 120, Figures 9-10), and a plurality of recessed grooves formed between the starting point and the end point (116, 118; Figures 9-10; Column 4 Lines 15-33), a height adjusting shaft (72) integrally formed with a rod member (62; Figures 9-10) which is contacted with the cam curve portion and lifted up and down according to a direction of the knob (Column 4 Lines 28-33), and a brush front wheel rotatably coupled to the height adjusting shaft (78). Regarding claim 5, the recessed grooves are softly connected to

each other (see Figures 6-8). Harsh particularly teaches that the ribbed camming or cam curve portion provides an easily adjustable height adjustment mechanism and "may be formed on any height adjustment mechanism which creates a camming action between two members to raise or lower the height of the vacuum cleaner nozzle" (Column 6 Lines 15-31).

It would have been obvious for one of ordinary skill in the art to substitute the cam curved portion with recessed planes of Watanabe et al. for a cam curved portion having recessed grooves, as Harsh teaches, so that the cam portion will enable the height adjustable mechanism to be easily adjustable by a user.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al., US 4,446,594 and Harsh, US 6,363,573 as applied to claim 9 in view of Jailer et al., US 6,081,963.

Watanabe et al. and Harsh disclose all elements mentioned above, however do not include a shaft receiving groove that has a plurality of latching protrusions. Regarding claim 10, it is noted that Watanabe et al. does have a shaft receiving groove (in that the shaft 17 is received in a groove in what appears to be a portion of housing that is unlabeled but shown in Figure 8) that is communicated with a front wheel receiving hole formed through the brush frame so that the front wheel is not interfered with the brush frame (Figure 8, as wheel 18 appears to share a portion of a housing with the groove that the shaft 17 is received in).

Jailer et al. teach a shaft receiving groove (237; Figure 15) that is communicated with a front wheel receiving hole (236) formed through a brush frame so that a front

wheel (30) is not interfered with the brush frame, and has a plurality of latching protrusions (239) to retain the shaft (234) within the groove (Column 7 Lines 21-34).

It would have been obvious for one of ordinary skill in the art to modify the brush frame, shaft receiving groove, and wheel receiving hole of Watanabe et al. and Harsh to have a brush frame having a shaft receiving grooves with a plurality of latching protrusions configuration as Jailor et al. teach, so that the height adjusting shaft is retained within the brush frame and the wheels are free to rotate.

Allowable Subject Matter

8. Claims 7-8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

9. Claims 11-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter:

None of the prior art made of record includes a suction brush body, a height adjusting knob rotatably disposed at a seating portion formed in the suction brush body, and having a cam curve portion formed at a part of an end of the height adjusting knob, the cam curve portion having a height difference between a starting point and an end point thereof, and a plurality of recessed grooves formed between the starting point and the end point, a height adjusting shaft integrally formed with a rod member which is

connected with the cam curve portion and lifted up and down according to a rotational direction of the height adjusting knob, a brush front wheel rotatably coupled to the height adjusting shaft, a brush frame which has a suction portion at a lower surface thereof and in which the height adjusting shaft is disposed, a brush cover, a seating member disposed at the brush frame and a seating hole formed through the brush cover, that the height adjusting knob comprises a cylindrical knob body, a handle portion formed at an upper surface of the knob body, a flange portion protruded along an outer circumferential surface of the knob body, a fixing protrusion seated in a fixing groove formed at an inner surface of the seating member, and wherein there are multiple fixing grooves formed in a length direction of the seating member to be apart from each other at regular intervals, each fixing groove having a shape corresponding to the fixing protrusion, or that the multiple fixing grooves have a number corresponding to the number of recessed grooves of the game portion or that the height adjusting shaft comprises a shaft body connected at both ends with a brush front, a rotary shaft connected at both ends to the shaft body, secured to the shaft receiving groove by a screw to rotate the height adjusting shaft, and a reinforcing rib disposed between the shaft body and the rotary shaft.

It is particularly noted that US 5,970,576 to Maurer et al. teach a height adjusting shaft that comprises a shaft body (42) connected at both ends with a brush front wheel (20; Figure 10), a shaft connected at both ends of the shaft body (62), and a reinforcing rib (70, 72, 74, 76, 78, 80) disposed between the shaft body and the other shaft to prevent the shaft body from twisting (Column 4 Lines 9-12). Maurer et al. do not teach

that a rotary shaft connected at both ends to the shaft body, secured to the shaft receiving groove by a screw to rotate the height adjusting shaft. Also, Maurer et al. most notably does not teach a height adjusting knob that is *rotatably* disposed at a seating portion, although there is a knob with a cam curve portion with a plurality of recessed grooves (28).

Lee, US 6,357,076, disclose the claimed invention including a suction brush body (1, 3), a height adjusting knob (70) rotatably disposed at a seating portion formed in the suction brush body (22; Column 4 Lines 12-15, Column 5 Lines 44-51), and having a cam curve portion formed at a part of an end of the height adjusting knob (one end of 73; see Figure 3), the cam curve portion having a height difference between a starting point and an end point thereof (see Figures 3-4, at the lowermost portion of the cam curve is when the nozzle is at its lowest height and the uppermost portion of the cam curve is when the nozzle is at its highest point; Column 5 Line 63 to Column 6 Line 8, Column 6 Lines 21-28) and a single spiral recessed groove formed between the starting point and the end point (75; see Figures 3-4), a height adjusting shaft (41) integrally formed with a rod member (31) which is lifted up and down according to a rotational direction of the height adjusting knob (Column 5 Line 63 to Column 6 Line 8, Column 6 Lines 21-28), and a brush front wheel (9) rotatably coupled to the height adjusting shaft (via 31, 33; Figure 1). Lee additionally includes multiple fixing grooves (83) are formed in a length direction of the seating member (as shown in Figure 2) to be apart from each other at regular intervals (Column 5 Lines 36-39), and each fixing groove has a shape corresponding to the fixing protrusion (as shown in Figure 2; Column 5 Lines 39-42).

Lee however *does not include* a height adjusting shaft that *is contacted with* the cam curve portion, rather a height adjusting shaft is in contact with a driving part (61) of a slider (or cam receiver 60) that is directly in communication with the cam curve portion (see Figure 2). Lee operates in another manner as the height adjusting shaft moves in response to the driving part that is driven in response to the knob and the cam curve member.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C. Guidotti whose telephone number is (571) 272-1272. The examiner can normally be reached on Monday-Thursday, 7:30am - 5pm, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Laura C Guidotti
Laura C Guidotti
Patent Examiner
Art Unit 1744

lcg